MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2015/2016

UIF2612 – ISLAMIC FAMILY LAW

(All Sections/Groups)

11TH MARCH 2016

Reading Time: 9.00 a.m. – 9.15 a.m.
(15 minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE** HOURS in which to answer the questions.

2. This question paper consists of 2 pages, with 5 Questions only.

3. Answer any **FOUR** questions out of **FIVE** questions. **No marks will be given for additional answers.**

4. Students are allowed to bring the CLEAN and ORIGINAL copy of the ISLAMIC FAMILY LAW (FEDERAL TERRITORIES) ACT 1984 into the Examination Hall.

5. Please write your answers in the Answer Booklet provided.

QUESTION 1

Amongst other issues arising from a dissolution of marriage are custody and maintenance of children. Thoroughly explain the legal issues in relation to the above and analyse the relationship that arises between custody and maintenance of children upon termination of a contract of marriage.

(25 marks)

QUESTION 2

Ainini was a wife to Mahboob. Mahboob was a sailor and always left Ainini at home for several months. Despite the fact that Ainini disliked to be left alone at home for such a long time, she did not complain to anyone as Mahboob had never failed to credit some money into Ainini's account for her monthly expenses.

One day, Ainini received a news that the ship on which Mahboob was sailing had been hijacked by pirates. All the ship-crew was detained as hostages. No news was ever heard from any of them again.

Two (2) years later, Hasbul, who thought that Ainini was a widow sent his representatives to Ainini's house to ask her hands for marriage. During the same time, suddenly Mahboob returned home. He was shocked and upset thinking that Ainini was having an affair with another man. He loudly shouted to Ainini; "I divorced you, the ungrateful wife with 3 talaqs." Everybody was shocked and immediately explained the situation to Mahboob, upon which he felt so guilty and regret for what he had done. Both Ainini and Mahboob wished to reconcile.

Discuss all related legal issues which happened before and after the pronouncement of the talaqs.

(25 Marks)

QUESTION 3

The marriage between Emran and Sina was annulled by the Syariah Court in Kuala Lumpur. Ten (10) months later, Sina who remained unmarried gave birth to a beautiful baby girl named Farlin.

Emran was doubtful that Farlin was his daughter. This was due to the fact that Sina was having an intimate relationship with Solbol, her former boyfriend.

Advise Emran on the status of legitimacy of the child.

(25 marks)

Continued...

QUESTION 4

Siti Tikari from Kuala Lumpur married with Hariri. The marriage was solemnised in Narathiwat, Thailand. Her father disliked Hariri and thus refused to become her *wali*. Therefore, during the marriage, she was represented by her elder brother, Salmanam as her *wali*. No registration of such marriage was made in Malaysia.

One day, Siti Tikari was having a quarrel with Hariri upon which Hariri warned her that should she ever visited her parents again, then she'll be divorced by two (2) talaqs.

Few days later, Siti Tikari received a telephone call from Salmanam telling that their father was seriously ill and that the father really wanted to see her before he shut his eyes. Siti Tikari immediately sent a WhatsApp message to her husband asking for permission to visit her ailing father. Hariri who was not mad at his wife anymore, spontaneously gave the permission.

Discuss.

(25 marks)

QUESTION 5

A divorce does not put a stop to obligations of the parties. A man will still be responsible to provide maintenance to his divorced wife upon separation. Likewise, a woman is obliged to fulfil certain obligation before the finalisation of the divorce.

In light of the above, analyse and explain the responsibilities of both parties towards each other upon the dissolution of a marriage by divorce.

(25 Marks)

(TOTAL: 100 Marks)

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